Filed Electronically September 20, 2007

PETITION TO THE DIRECTOR UNDER 37 CFR § 1.181 Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	AREN-027 (027.US2.PCT)
	Confirmation No.	4553
	First Named Inventor	John W. Adams
	Application Number	10/523,100
	Filing Date	January 31, 2005
	Group Art Unit	1646
	Examiner Name	Ruixiang Li
	Title: "*Human G Protein-Coupled Receptor And Modulators Thereof For The Treatment Of Ischemic Heart Disease And Congestive Heart Failure*"	

Sir:

In this petition, the Director is requested to review the Examiner's communication of September 4, 2007, which asserts that the Applicants' response of June 8, 2007, is non-responsive. The Applicants believe that the communication was sent in error, and should be withdrawn. Exr. Gary Nichol recommended that the Applicants petition for review of the communication in a telephonic interview with Applicants' representative, James S. Keddie, on September 17, 2007.

The Examiner's communication states that the Applicants' response is non-responsive on two grounds, namely: a) the Applicants' response presents only claims directed to a non-elected invention; and b) the Applicants' response does not show the specific support for each of the newly added claims. The Applicants request review of the communication for the reasons set forth below.

In response to the Restriction Requirement of March 27, 2006, the Applicants elected Group I claims (claims 85-96), directed to a method of identifying a modulator of RUP41. SEQ ID NO:3 sets forth the amino acid sequence of a wild-type RUP41 protein. The first Office Action in this case was subsequently sent to Applicants on December 21, 2006. In response to the first Office Action, claims 85-96 were cancelled and new claims 132 to 152 were added. To facilitate the Director's analysis, claims 85 (now cancelled) and 132 (newly added) are attached hereto as Exhibit A and Exhibit B, respectively.

While the scope of the new and old claim sets may be different, the Applicants submit that both claim sets are directed to a method of identifying a modulator of RUP41. As such, it is the Applicants' belief that both claim sets are directed to elected subject matter.

The Applicants also request review of the Examiner's decision that the Applicants' response of June 8, 2007 is non-responsive because it does not show the specific support for each of the newly added claims. This request is made on the basis that support for the Applicants' newly claims is found in the Remarks section on page 5 of the Applicants' response. To facilitate the Director's analysis, this section of the Applicants' response of June 8, 2007, is set forth as in Exhibit C.

In view of the foregoing discussion, the Director is requested to review the Examiner's communication dated September 4, 2007. The Applicants believe it was sent in error, and should be withdrawn.

If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at (650) 833 7723.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AREN-027.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: September 20, 2007

By: /James S. Keddie/
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EXHIBIT A

CLAIM 85 (NOW CANCELLED)

85. (Now cancelled) A method of identifying a candidate compound as a modulator of cardioprotection, comprising the steps of:

(a) contacting the candidate compound with a G protein-coupled receptor (GPCR), said receptor comprising an amino acid sequence selected from the group consisting of:

(i) the amino acid sequence of SEQ ID NO:2;

(ii) amino acids 2-433 of SEQ ID NO:2;

(iii) the amino acid sequence of SEQ ID NO:3;

(iv) amino acids 2-433 of SEQ ID NO:3;

(v) the amino acid sequence of a G protein-coupled receptor encoded by a polynucleotide that is amplifiable by polymerase chain reaction (PCR) on a human DNA sample using sequence specific primers SEQ ID NO:7 and SEQ ID NO:8;

(vi) the amino acid sequence of SEQ ID NO: 5;

(vii) the amino acid sequence of a G protein-coupled receptor encoded by a polynucleotide that hybridizes under stringent conditions to the complement of SEQ ID NO:1 or SEQ ID NO:4;

(viii) the amino acid sequence of a G protein-coupled receptor having an amino acid sequence having at least 90% identity to SEQ ID NO:2, SEQ ID NO:3, or SEQ ID NO:5; and

(ix) the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:3 wherein the phenylalanine at amino acid position 312 of SEQ ID NO:2 or SEQ ID NO:3 is substituted with lysine;

or a fragment or variant thereof, wherein the receptor couples to a G protein; and

(b) determining whether the receptor functionality is inhibited or stimulated; wherein inhibition or stimulation of said receptor functionality is indicative of the candidate compound being a modulator of cardioprotection.

EXHIBIT B

CLAIM 132 (NEWLY ADDED)

132. (Newly added) A method comprising:

(a) contacting a candidate compound with a G protein-coupled receptor comprising an amino acid sequence having at least 90% identity to SEQ ID NO:3, wherein said GPCR is present on a cell or isolated membrane thereof;

(b) determining the ability of the compound to modulate the G protein-coupled receptor; and

(c) determining if said compound has cardioprotective activity.

EXHIBIT C

REMARKS SECTION OF APPLICANTS RESPONSE OF JUNE 8, 2007

FORMAL MATTERS

Claims 132-152 are pending after entry of the amendments set forth herein.

Claims 85-131 are cancelled without prejudice to renewal.

Claims 132-152 are newly added. Support for new claims 132-150 is found throughout the instant specification, particularly at the following positions: page 5, lines 17-27; page 6, line 1; page 7, lines 13-14; page 4, lines 15-17; page 57, line 2; page 4, lines 15-17; page 56, line 29 to page 57, line 2; page 6, line 22; page 4, lines 15-19; page 25, lines 25-29; page 9, lines 10-12; page 10, line 12 to page 13, line 8; page 4, lines 20-22; page 78, Example 8; page 10, line 12 to page 13, line 8; page 8, lines 19-23; page 6, line 1; page 82, lines 1-4; page 36, lines 33-35; page 43, lines 9-17, page 63, line 31 to page 64, line 15; and page 10, line 12 to page 11, line 8.

No new matter is added.